

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TERRANCE A. DAVIS,

Petitioner,

v.

WARDEN WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:23-cv-01732-MMD-MDC

ORDER

On October 24, 2023, *pro se* Petitioner Terrance A. Davis filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 and a motion for appointment of counsel. (ECF Nos. 1-1 (“Petition”), 1-2 (“Motion”).) Following an initial review of the Petition, on November 8, 2023, this Court ordered Davis to show cause why his Petition should not be dismissed as untimely and/or unexhausted. (ECF No. 5.) Davis was warned that if he did “not timely respond to th[e] order [to show cause], the Petition [would] be dismissed without further advance notice.” (*Id.* at 6.) Rather than responding to this Court’s order to show cause, Davis filed another motion for appointment of counsel and a notice of appeal. (ECF Nos. 6, 7.) On March 27, 2024, the United States Court of Appeals for the Ninth Circuit dismissed Davis’s appeal based on a lack of jurisdiction. (ECF No. 11.)

Davis’s deadline to respond to this Court’s order to show cause expired on December 26, 2023.¹ To date, Davis has not filed a response to the order to show cause, requested an extension of time, or taken any other action to prosecute this case.

¹This Court waited to take any action on Davis’s failure to meet this deadline until after Davis’s appeal was decided by the United States Court of Appeals for the Ninth Circuit. See *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction


1 It is therefore ordered that the Petition for Writ of Habeas Corpus under 28 U.S.C.
2 § 2254 (ECF No. 1-1) is dismissed with prejudice based on Petitioner Terrance A. Davis's
3 failure to comply with the Court's Order (ECF No. 5).

4 It is further ordered that the motions for appointment of counsel (ECF Nos. 1-2, 6)
5 are denied as moot.

6 It is further ordered that a certificate of appealability is denied, as jurists of reason
7 would not find dismissal of the Petition for the reasons stated herein to be debatable or
8 wrong.

9 It is further ordered that the Clerk of Court: (1) file the Petition (ECF No. 1-1); (2)
10 add Nevada Attorney General Aaron D. Ford as counsel for Respondents²; (3) informally
11 serve the Nevada Attorney General with the Petition (ECF No. 1-1), this order, and all
12 other filings in this matter by sending notices of electronic filing to the Nevada Attorney
13 General's Office; (4) enter final judgment accordingly, dismissing this action with
14 prejudice; and (5) close this case.

15 DATED THIS 1st Day of April 2024.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE

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on the court of appeals and divests the district court of its control over those aspects of
the case involved in the appeal.”).

26 ²No response is required from Respondents other than to respond to any orders
27 of a reviewing court.